



Order Filed on February 22, 2022
by Clerk
U.S. Bankruptcy Court
District of New Jersey

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF NEW JERSEY

McCABE, WEISBERG & CONWAY, LLC
By: Andrew M. Lubin, Esq. (Atty. I.D.#AL
0814)

216 Haddon Avenue, Suite 201
Westmont, NJ 08108
856-858-7080

Attorneys for Secured Creditor: Citizens Bank of
PA

IN re:

John J. DiGregorio aka Husband of Patricia M.
DiGregorio (Deceased)
Debtors

Case No.: 18-26526-ABA

Chapter: 13

Judge: Andrew B. Altenburg Jr.

Hearing Date: January 4, 2022

Time: 10:00 a.m.

**ORDER RESOLVING MOTION TO REIMPOSE STAY
WITH CONDITIONS**

The relief set forth on the following pages, numbered two (2) through three (3) is

hereby **ORDERED**

DATED: February 22, 2022

A handwritten signature in black ink, appearing to read "ABJ", written over a horizontal line.

Honorable Andrew B. Altenburg, Jr.
United States Bankruptcy Court

This matter having been presented to the Court on motion of Debtor, John J. DiGregorio, by his attorneys, Jenkins and Clayman:

And for good cause shown, it is **ORDERED** that:

- 1) The automatic stay is reinstated as to secured creditor, Citizens Bank of PA;
- 2) As a condition of the stay being reinstated, the hereinafter post-petition arrears shall be cured in the hereinafter described manner:

1. Status of post-petition arrearages:

☒ The Debtor is overdue for 2 months, from 8/1/21 to 9/1/21 at \$1,439.88 per month for a total of \$2,879.76.

☒ The Debtor is overdue for 5 payments from 10/1/21 to 2/1/22 at \$1,500.70 per month for a total of \$7,503.50

Subtotal: \$10,383.26

Suspense Balance: (\$1,341.42)

Total Arrearages Due: \$9,041.84

2. Debtor must cure all post-petition arrearages, as follows:

☒ Payment in the amount of \$4,000.00 within 10 days of the entry of this Order on the docket. The payment of \$4,000.00 will reduce the balance of the post-petition arrears to \$5,041.84.

☒ Beginning on March 1, 2022, regular monthly mortgage payment shall continue to be made in the amount of \$1,500.70.

☐ Beginning on _____, additional monthly cure payments shall be made in the amount of \$ _____ for _____ month(s).

☒ The amount of \$5,041.84 shall be capitalized in the debtor's Chapter 13 plan. The mortgagee's allowed secured claim shall be amended to include the capitalized post-petition payments listed in this Order to the Proof of Claim as filed. As a result of such capitalization, the Standing Chapter 13 Trustee shall adjust his/her records accordingly and make revised disbursements.

3. Payments to the Secured Creditor shall be made to the following address(es):

| | | |
|-------------------------------------|--------------------------|---|
| <input checked="" type="checkbox"/> | Immediate payment: | <u>Citizens Bank of PA</u> <u>P.O. Box 2800</u> <u>Glen Allen, VA 23059</u> |
| <input checked="" type="checkbox"/> | Regular monthly payment: | <u>Same as above</u> |
| <input type="checkbox"/> | Monthly cure payment: | <u>N/A</u> |

4. In the event of Default:

☒ If the Debtor fails to make the immediate payment specified above within ten days of the entry of this Order on the docket, Secured Creditor shall be entitled to relief from the automatic stay upon the filing of an Affidavit of Default without any further order from the Court. If the immediate payment is made, but Debtor fails to make any regular monthly payment within thirty (30) days of the date the payments are due, then the Secured Creditor may obtain an Order Vacating the Automatic Stay as to the Property by filing, with the Bankruptcy Court, a Certification specifying the Debtor's failure to comply with this Order. At the time the Certification is filed with the court, a copy of the Certification shall be sent to the Chapter 13 Trustee, the Debtor and the Debtor's attorney.

5. In the event the Debtor converts his/her case to a Chapter 11, the terms of the Order shall remain in full force and effect. In the event that the Debtor converts his/her case to a Chapter 7, Debtor shall cure all pre-petition and post-petition arrears within ten (10) days of conversion. Failure to cure the arrears shall constitute an event of default under this Order and Movant may certify default as set forth in paragraph 4 of this order.

6. Award of Attorneys' Fees:

☒ The Secured Creditor is awarded attorney fees of \$500.00 and costs of \$188.00 for the motion for relief and attorney's fees of \$450.00 for its opposition to the Debtor's Motion To Reimpose for a total amount of attorney's fees and costs of \$1,138.00.

The fees and costs are payable:

☒ through the Chapter 13 plan.

In re:
John J. DiGregorio
Debtor

Case No. 18-26526-ABA
Chapter 13

CERTIFICATE OF NOTICE

District/off: 0312-1
Date Rcvd: Feb 22, 2022

User: admin
Form ID: pdf903

Page 1 of 2
Total Noticed: 1

The following symbols are used throughout this certificate:

| Symbol | Definition |
|--------|--|
| + | Addresses marked '+' were corrected by inserting the ZIP, adding the last four digits to complete the zip +4, or replacing an incorrect ZIP. USPS regulations require that automation-compatible mail display the correct ZIP. |

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Feb 24, 2022:

| Recip ID | Recipient Name and Address |
|----------|---|
| db | + John J. DiGregorio, 105 Fox Meadow Drive, Sicklerville, NJ 08081-1142 |

TOTAL: 1

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.
Electronic transmission includes sending notices via email (Email/text and Email/PDF), and electronic data interchange (EDI).

NONE

BYPASSED RECIPIENTS

The following addresses were not sent this bankruptcy notice due to an undeliverable address, *duplicate of an address listed above, *P duplicate of a preferred address, or ## out of date forwarding orders with USPS.

NONE

NOTICE CERTIFICATION

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed .R. Bank. P.2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Feb 24, 2022

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on February 22, 2022 at the address(es) listed below:

| Name | Email Address |
|--------------------|---|
| Andrew M. Lubin | on behalf of Creditor Citizens Bank of PA. nj-ecfmail@mw-c-law.com alubin@milsteadlaw.com |
| Denise E. Carlon | on behalf of Creditor Toyota Motor Credit Corporation dcarlon@kmlawgroup.com bkgroup@kmlawgroup.com |
| Eric Clayman | on behalf of Debtor John J. DiGregorio mail@jenkinsclayman.com JenkinsClayman@jubileebk.net |
| Isabel C. Balboa | on behalf of Trustee Isabel C. Balboa ecfmail@standingtrustee.com summarymail@standingtrustee.com |
| Isabel C. Balboa | ecfmail@standingtrustee.com summarymail@standingtrustee.com |
| Marisa Myers Cohen | on behalf of Creditor Citizens Bank of PA. nj-ecfmail@mw-c-law.com jhillier@mw-c-law.com |

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Marisa Myers Cohen

on behalf of Creditor Citizens Bank NA nj-ccfmail@mw-law.com jhillier@mw-law.com

Rebecca Ann Solarz

on behalf of Creditor Toyota Motor Credit Corporation rsolarz@kmlawgroup.com

Robert Williams

on behalf of Creditor Citizens Bank of PA. rwilliams@mwm-law.com

U.S. Trustee

USTPRegion03.NE.ECF@usdoj.gov

TOTAL: 10